

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CHRISTOPHER DIAZ-CASTRO,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:22-cv-00025-CDS-VCF

ORDER

*Pro se* Plaintiff Christopher Diaz-Castro filed an application to proceed in *forma pauperis* and submitted a civil rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-2. On May 27, 2022, the Court screened the complaint, dismissing certain claims with leave to amend and others without leave to amend. ECF No. 6 at 12. The Court also deferred ruling on Plaintiff's application to proceed in *forma pauperis*. *Id.*

Plaintiff now files a motion to dismiss this case without prejudice. ECF No. 8. Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to dismiss this action because no responsive pleading has been filed in this case. Thus, the Court dismisses this action without prejudice. And it denies as moot Plaintiff's application to proceed in *forma pauperis*, which means that he will not be required to pay the filing fee.

It is therefore ordered that Plaintiff's motion to dismiss this case without prejudice (ECF No. 8) is granted.

It is further ordered that Plaintiff's application to proceed in *forma pauperis* (ECF No. 1) is denied as moot.

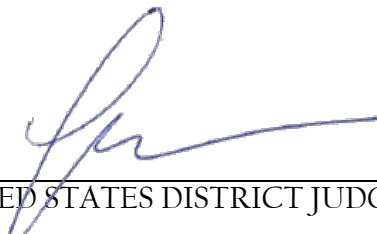
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1 It is further ordered that this action is dismissed in its entirety without prejudice.

2 It is further ordered that the Clerk of the Court close this case.

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4 DATED this 28th day of June, 2022.

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8 UNITED STATES DISTRICT JUDGE  
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